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July 6, 2012

**VIA ECF AND FIRST CLASS MAIL**

Honorable Frederic Block  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Government Employees Insurance Co., et al. v. Jonathan B. Kogen, Ph.D., et al.*  
Case No.: 0:12-CV-01068-FB-VVP

Dear Judge Block:

My office represents the Defendants/Counter-Claimants Jonathan B. Kogen, Ph.D., LMK Psychological Services, P.C. ("LMK"), Valley Psychological, P.C. ("Valley"), and Andrew Blumenthal (hereinafter collectively "D/CC") in the above-referenced matter. I write in reply to GEICO's letter filed and served July 3, 2012 at 3:42 p.m. (Doc 28) that opposes D/CC's request to add to their counterclaims causes of action addressing GEICO's violations of N.Y. Bus. Law § 349.

GEICO alleges in conclusory fashion, without articulating an iota of detail or specifics, it would be prejudiced and expend significant costs to defend against what GEICO apparently recognizes and does not dispute are valid causes of action against it under N.Y. Bus. Law § 349. Given this case has not yet reached preliminary conference, discovery has not commenced and a trial date has not been set, GEICO's conclusory assertion of prejudice has no merit. Additionally, GEICO should have assessed costs associated with and prior to its commencement of a legal action that lacks merit, and exposes and requires defense of its own digressions of the law.

Under Federal practice the rule is well settled: "[t]he court should freely give leave where justice so requires." Fed. R. Civ. P. 15(a)(2). D/CC's request to amend its pleading to add causes of action under N.Y. Bus. Law § 349 against GEICO falls well within the parameters of the rule.

Thank you.

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Yours truly,

Craig Meyerson

CAM/cm  
cc: All counsel of record via ECF only